



WEB COPY

W.A.No.3425 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.A.No.3425 of 2025
and CMP.No.27999 of 2025

The Management,
Tamilnadu State Transport Corporation (Salem)Ltd.,
Dharmapuri Region, Bharathipuram,
Dharmapuri-636 705

... Appellant

Vs.

1.The Special Deputy Commissioner of Labour,
DMS Compound, Anna Salai,
Chennai

E.Dhakshinamoorthy (died)

2.N.Nirmala

3.Mohan

4.Surya

5.Minor Lisanthan

(Minor Rep. By his mother Surya R4)

... Respondents

PRAYER: Appeal is filed under Clause 15 of the Letters Patent, praying to

set aside the order dated 25.01.2023 in W.P.No.21038 of 2014.



W.A.No.3425 of 2025

For Appellant

: Mr.T.Chandrasekar
Special Government Pleader
for Mr.K.Raja

For Respondents

: Mr.G.Ameedius
Government Advocate for R1
Mr.P.S.Kothandaraman
for R2 to R5

JUDGMENT

(Judgment of this Court was delivered by M.S.RAMESH.J)

This Writ Appeal has been filed to set aside the order dated 25.01.2023 in W.P.No.21038 of 2014.

2. Since the dispute was pending, touching upon the service conditions of the respondent workman, and when the Management sought for imposing punishment of dismissal on 21.01.2012, they had filed an application dated 23.01.2012 before the concerned Authority under Section 33(2)(b) of the Industrial Dispute Act, 1947, seeking approval of the action taken. The Authority, however, had rejected the approval petition, predominantly, on four grounds by applying the principles laid down by the Hon'ble Supreme Court in ***Lalla Ram's*** case.



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3. The Hon'ble Supreme Court in *Lalla Ram vs. DCM Chemical*

Works Limited, reported in [(1978) 3 SCC 1], had held that if any one of the conditions set forth therein is violated by the Management while making an application under Section 33(2)(b) of the Act, the entire punishment would become void, and the concerned workman is deemed to have continued in service as if he was never terminated.

4. When the Management had challenged the order of the Authority before the Writ Court in W.P.No.21038 of 2014, the learned Single Judge had rightly appreciated these legal aspects and had rejected the Writ Petition.

5. Even before us, the learned counsel for the appellant raised the grounds, touching upon the merits of the domestic enquiry conducted in this case. According to him, the concerned workman was unauthorisedly absent for several days from 07.01.2010 onwards, and therefore, he sought for interference.

6. We are unable to appreciate the objections raised by the learned counsel for the appellant on the merits of the charge-memo, in view of the



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Anu

settled principles in ***Lalla Ram's*** case (*supra*). The appellant also is not in a position to substantiate that they had complied with the four circumstances in ***Lalla Ram's*** case, which circumstances have been recorded to be in violation. As such, there are no merits in this appeal and accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [R.S.V.,J]

19.11.2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Anu

To
The Special Deputy Commissioner of Labour,
DMS Compound, Anna Salai,
Chennai

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